

IN THE DRAWINGS

Applicants propose to label the blocks in Figs. 1-4 of the drawings, and to change reference number 306 to 308 in Fig. 4 in accordance with the accompanying ANNOTATED SHEETS SHOWING CHANGES.

Enclosed herewith are REPLACEMENT SHEETS in which the above changes have been incorporated.

REMARKS

The specification has been amended on page 4 for clarity. The specification has also been amended on page 8 to correct typographical and grammatical errors.

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended such that they are in proper U.S. format.

Applicants assert that the above changes to the claims are formal in nature only, and do not affect the scope of the claims.

The Examiner has rejected claim 17 under 35 U.S.C. 101 as being directed to non-statutory subject matter. In particular, claim 17 recites "a computer-readable medium having..." while the specification on page 4 defines that a "computer-readable medium" may include "a network accessible via a network connection." and "generally any other kind of media that provides a computer system with information regarding how instructions/commands should be executed". Based on this definition, the Examiner then postulates that the claim 17 computer-readable medium may include "wireless network facilitating propagation of signal-bearing waveforms."

Without arguing the appropriateness of the Examiner's position, Applicants have amended the specification to delete the phrase "a network accessible via a network connection". Applicants therefore believe that the definition of "computer-readable medium" comports with that contemplated by the Federal Circuit in, for

example, *In re Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d 1754 at 1759.

Applicants therefore believe that claim 17 is indeed statutory under 35 U.S.C. 101.

The Examiner has rejected claims 1-4, 6, 9-12, 14 and 17 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,091,414 to Kraft, IV et al. The Examiner has further rejected claims 5 and 13 under 35 U.S.C. 103(a) as being unpatentable over Kraft, IV et al. in view of U.S. Patent 7,200,857 to Rodriguez et al. In addition, the Examiner has rejected claims 7 and 15 under 35 U.S.C. 103(a) as being unpatentable over Kraft, IV et al. in view of U.S. Patent 5,751,283 to Smith. Furthermore, the Examiner has rejected claims 8 and 16 under 35 U.S.C. 103(a) as being unpatentable over Kraft, IV et al. in view of U.S. patent 5,561,811 to Bier.

The Kraft, IV et al. patent discloses a system and method for cross-environment interaction in a computerized graphical interface environment, in which two (or more) applications are concurrently running on a processor and have corresponding windows appearing on the display. The window corresponding to the application with current user focus is distinguished from the other windows (e.g., a different border color, appearing on top of the other windows, etc.). The focused application is provided with more CPU resources relative to remaining tasks, applications, etc.

As noted in MPEP § 2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the

claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

With regard to the claim 1 limitation "setting or increasing the output quality of the application with the current focus of the user", the Examiner states:

"it will be recalled that an additional feature of the invention is to provide for additional CPU 10 utilization for the task, application, or suite of applications associated with that "focused" window (column 5, line 67 to column 6, line 3); The amount of CPU resource then directed to the particular application as a result of the priority alteration is thereby in turn altered. In this manner, a focused application is dynamically provided with more CPU resource relative to remaining tasks, applications, or suites thereof associated with a workspace executing in the multitasking environment (column 4, lines 17-23); When a given application such as X application 24 goes into and out of "focus", this may be visually represented by an associated window such as window 30 in display 26, by means of the border of the window changing color, and the window associated with the particular application coming to the top or being placed lower in the stacking order, respectively (column 5, lines 58-64)".

Applicants submit that the Examiner is mistaken. In particular, Kraft, IV et al. merely provides for additional CPU utilization for the focused window (application). What this may amount to is that the focused application runs without, or with minimal, interruptions. However, there is no disclosure or

suggestion that the system or method of the Kraft, IV et al. uses this additional CPU utilization to set or change (i.e., increase) any operating parameter of the application.

In the subject invention, the relevant applications are applications with media information, and the output quality of the application with focused user attention is set (if the application has been currently opened) or increased (if the application is already running). This may result in an increase in, for example, the bit resolution of the processing being performed by the application, thereby resulting in an increase in the output quality of the application.

Applicants submit that this is neither shown nor suggested by Kraft, IV et al.

Claim 5 includes the limitation "a provider of the media information performs the externally controlled step of identifying the application with the current focus of the user".

The Rodriguex et al. patent discloses synchronized video-on-demand supplemental commentary, in which advertisement pop-ups are provided during a movie-on-demand, the Advertisement pip-ups being externally controlled and provided by a media provider.

Applicants, however, submit that Rodriguez et al. does not supply that which is missing from Kraft, IV et al., i.e., "setting or increasing the output quality of the application with the current focus of the user".

Claim 7 includes the limitation "the step of setting or increasing the output quality of the application with the current

focus of the user is performed manually by user interaction by means of a user interface".

The Smith patent discloses resizing a window and an object on a display screen, in which a user is provided with an interface for, as noted by the Examiner, "allowing users to adjust (increase or decrease) the size and movements of an object/window displayed on a screen; Resizing a window in which objects appear can affect the way in objects are displayed on the screen in the resized window, based upon parameters that have previously been selected. As will be described in further detail below, the SYMMETRY program provides several options for setting the sizing behavior of objects on a page of a multimedia work. These options determine how each object will appear if the user changes the size of the window."

Applicants submit, however, that the size of a window and an object on a display screen is not related to the output quality of the application with media information. Rather, the size of a window and an object on a display screen relate only to attributes of the display.

Claim 8 includes the limitation "the automatic settings of the overall system control is influenced by a learning function, which takes previous user settings of the past into account".

The Bier patent discloses a method and apparatus for per-user customization of applications shared by a plurality of users on a single display, in which the input from each user produces a response customized to the preferences of that user. The Examiner then states "In a system where a plurality of users may invoke the

same command in the same application by taking comparable actions using comparable, but distinct, input devices, it must be possible to vary the effect of that command depending on the preferences of the user who generated it (column 2, lines 28-33)".

however, Applicants submit that Bier does not supply that which is missing from Kraft, IV et al., i.e., "setting or increasing the output quality of the application with the current focus of the user".

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-17, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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ANNOTATED SHEET SHOWING CHANGES

1/4

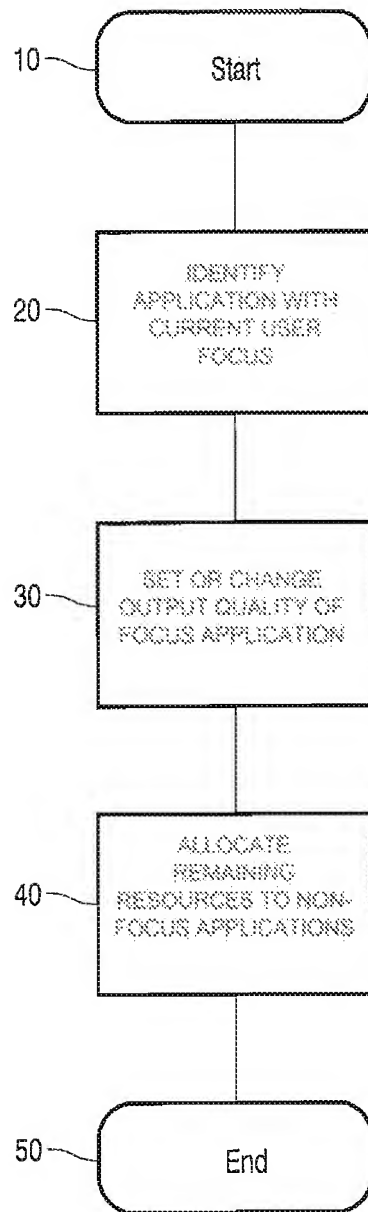


FIG. 1

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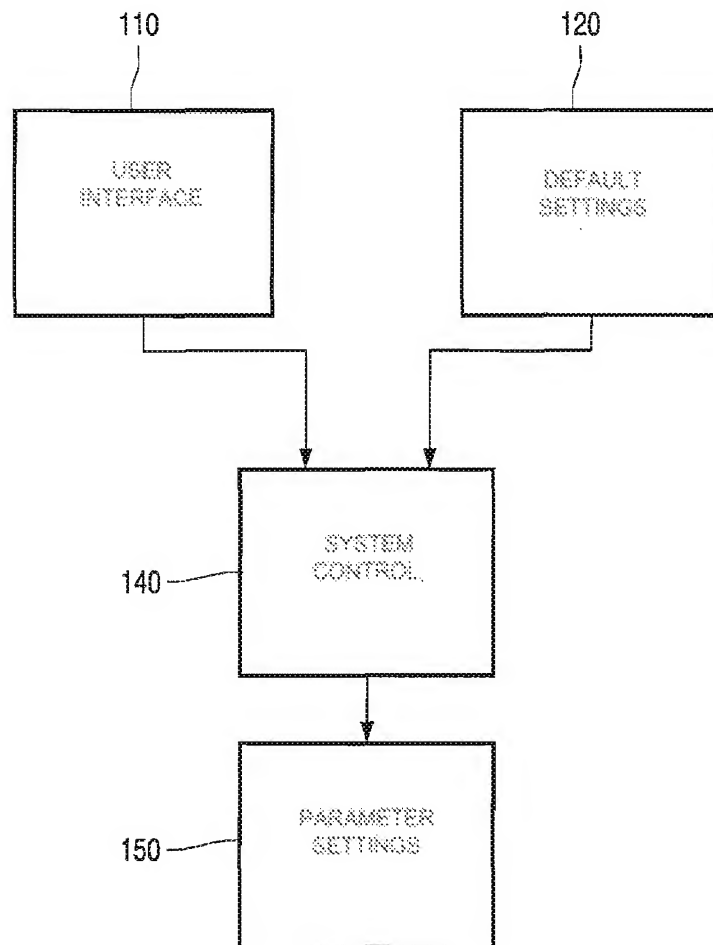


FIG. 2

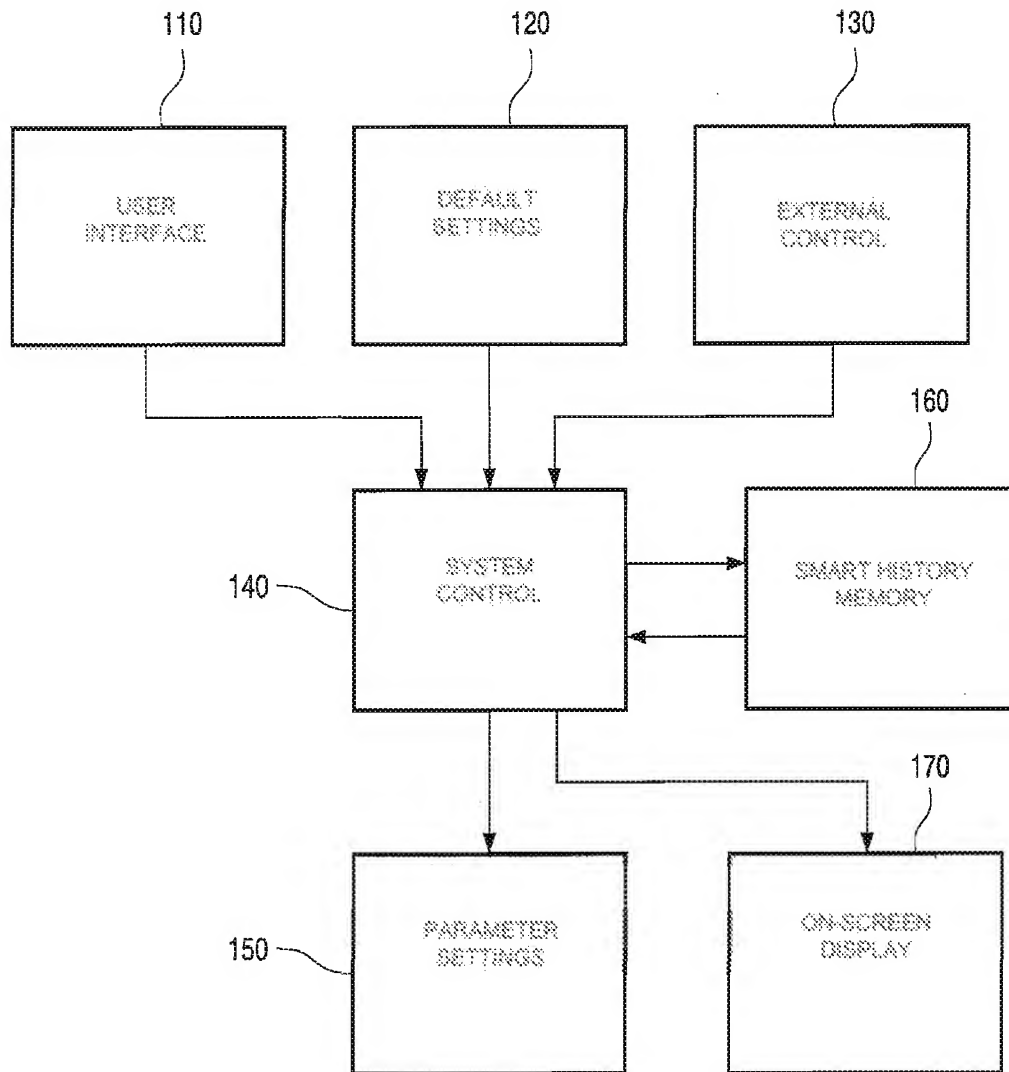


FIG. 3

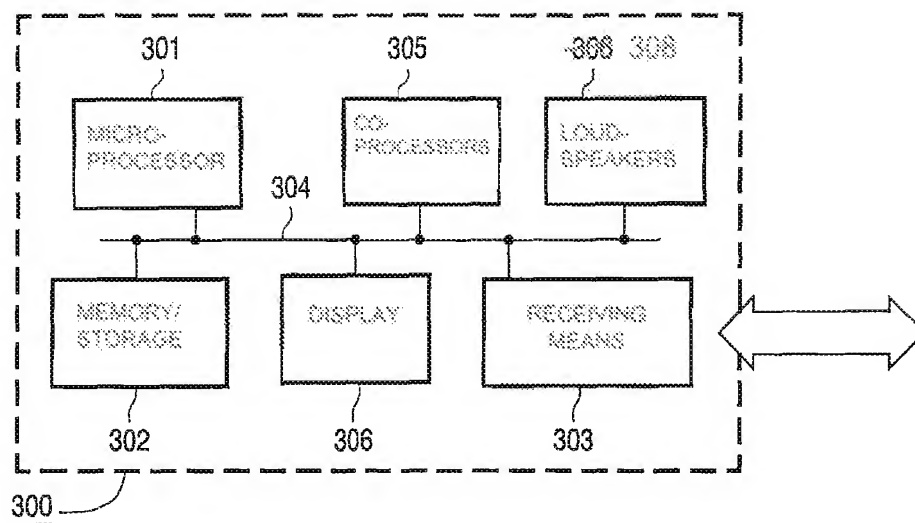


FIG. 4